

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

Civil Action No. 1:20-cv-00438

TIMOTHY KAPP,

Plaintiff,

v.

HARRIS TEETER, LLC and HARRIS
TEETER SUPERMARKETS, INC.,

Defendants.

**NOTICE OF SETTLEMENT AND
CONSENT MOTION TO STAY
ALL DEADLINES**

Notice is hereby given that Plaintiff, Timothy Kapp (“Plaintiff”), and Defendants, Harris Teeter, LLC and Harris Teeter Supermarkets, Inc. (collectively, the “Defendants”), have reached a settlement in the above matter.

Plaintiff and Defendants, by and through counsel, pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, respectfully request the Court to further stay all deadlines in this case, including Defendants’ deadline to respond to Plaintiff’s Complaint and the time in which the parties must file a Joint Stipulation of Dismissal, for an additional thirty (30) days, through and including Wednesday, September 30, 2020. In support of this Consent Motion, the parties show the Court the following:

1. Plaintiff filed his Complaint in this matter on May 15, 2020;
2. Defendants were served by certified mail, return receipt requested via their registered agent, on May 26, 2020.

3. On June 12, 2020, Defendants filed a Consent Motion for Extension of Time to Answer Plaintiff's Complaint [Docket Entry 6]. The Court issued a Text Order that same day granting Defendants' motion.

4. Since that time, the parties reached a settlement in principle and notified the Court of the same on July 16, 2020. The parties, at that time, also requested that the Court stay all upcoming deadlines in this matter, including Defendants' deadline to respond to the Complaint, for purposes of finalizing the non-monetary terms of settlement [Docket Entry 9].

5. The Court granted the parties' request and ordered the parties to file a joint stipulation of dismissal with prejudice no later than August 31, 2020. *See* Text Ordered dated July 17, 2020.

6. Counsel for the parties have continued to work to finalize the non-monetary aspects of the settlement and have now done so. The parties respectfully submit that they need a brief extension of time to wrap up a few procedural steps, including the execution of the final settlement agreement.

7. The parties, therefore, respectfully request the Court to further stay all deadlines in this case, including Defendants' deadline to respond to Plaintiff's Complaint and the time in which the parties must file a Joint Stipulation of Dismissal, for an additional thirty (30) days, through and including Wednesday, September 30, 2020.

6. Counsel for Defendants has conferred with counsel for Plaintiff, Edward H. Maginnis, and he consents to this request.

7. This Notice of Settlement and Motion to Stay All Deadlines is made in good faith and not for the purpose of delay.

This the 31st day of August 2020.

/s/ John G. McDonald
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Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on August 31, 2020, I filed electronically the foregoing document with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Edward H. Maginnis
Garrett L. Davis
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Counsel for Plaintiff

This the 31st day of August 2020.

/s/ John G. McDonald
John G. McDonald (N.C. Bar No. 23848)